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General Assembly

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Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Djibouti,* Somalia:* draft resolution

32/... Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions 20/20 of 6 July 2012, 23/21 of 14 June 2013, 26/24 of 27 June 2014 and 29/18 of 2 July 2015,

Taking note that Eritrea is a State party to international and regional human rights instruments, and urging their proper implementation,

Noting the participation of Eritrea in the second cycle of the universal periodic review and its acceptance of 92 recommendations,

Welcoming the meeting held between the Government of Eritrea and the members of the technical assessment mission to Eritrea of the Office of the United Nations High Commissioner for Human Rights, conducted from 1 to 5 February 2016, while expressing concern at its limited access to the country,

Commending the commission of inquiry on human rights in Eritrea for completing its work in a transparent, impartial and consultative manner while regretting the continued lack of cooperation by the Government of Eritrea with the commission of inquiry and the

* State not a member of the Human Rights Council

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Special Rapporteur on the situation of human rights in Eritrea, including the lack of access to the country,

Welcoming the report of the commission of inquiry on human rights in Eritrea, including its content and recommendations,[1]

Stressing the importance of the first-hand accounts of victims and witnesses who delivered testimonies at the confidential interviews, as well as of accounts from those in Eritrea and the 44,267 submissions received from 39 countries,

Emphasizing that everyone has the right to take part in the conduct of public affairs of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections in Eritrea have not been held since 1993 and that the Constitution of 1997 has never been implemented,

Deeply concerned by the ongoing reports of systematic, widespread and gross violations of human rights by the Eritrean authorities against their own population and fellow citizens, including systematic restrictions of freedom of religion and belief,

Deploring the commission's findings that the Government of Eritrea consistently arrests innocent family members of individuals allegedly guilty of wrongdoing,

Expressing deep concern at the commission's findings that there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991, and that Eritrean officials have committed and continue to commit the crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder,

Noting with deep concern the commission's findings that the crimes it has documented have been committed primarily, directly or indirectly, by government and ruling party officials, military commanders and members of the National Security Office,

Noting the commission's identification of individual suspects and its careful transfer of files on those individuals to the Office of the High Commissioner to assist future accountability mechanisms,

Noting with grave concern the continued use by the Government of Eritrea of arbitrary arrest and detention, including incommunicado detention in extremely harsh and life-threatening conditions, of persons suspected of evasion of national service, attempting to flee the country or having a family member who has fled, inability to produce identity documents, exercising the right to freedom of religion, freedom of opinion, being perceived as critical of the Government, and of those who return to the country, as well as those detained in the aftermath of the takeover on 21 January 2013 of the building of the Ministry of Information,

Noting with regret the use of conscripts as forced labour in a wide range of economic activities, including private enterprises,

Noting the release by the Government of Eritrea of four Djiboutian prisoners of war on 18 March 2016, and recalling that 13 other Djiboutian prisoners of war are still detained in Eritrea,

Expressing grave concern at the widespread use of indefinite conscription into national military service, a system that constitutes forced labour, and the reported forced conscription of children under the age of 18 into military service, and regretting that the

[1] A/HRC/32/47.

fear and experience of a lengthy national service causes large numbers of Eritreans to leave the country,

Deeply concerned that the situation of human rights in Eritrea is a primary factor in the decision of an increasing number of Eritreans to leave their country, often facing risks of abduction, abhorrent physical and mental abuse and other ill-treatment on their migration path, including abuses by smugglers and human traffickers, while noting the participation of the Government of Eritrea in multilateral forums to discuss trafficking,

Noting with deep concern that members of ethnic minorities, including the Kunama and the Afar, have also been subject to ongoing arbitrary detention, extrajudicial killing, rape, murder and extreme discrimination constituting persecution,

1. *Welcomes with appreciation* the report of the commission of inquiry on human rights in Eritrea,[1] stresses the importance of the work of the commission of inquiry and the information it has collected in support of future accountability, and urges the Government of Eritrea and other relevant actors to take immediate and concrete steps to implement its recommendations;

2. *Welcomes* the oral update of the Special Rapporteur on the situation of human rights in Eritrea delivered to the Human Rights Council at its thirty-first session on the issue of unaccompanied Eritrean children, and recognizes the special protection needs of unaccompanied children fleeing Eritrea, who are subjected to violations and abuses of human rights such as, inter alia, trafficking, abduction for ransom, sexual violence and torture;

3. *Condemns in the strongest terms* the systematic, widespread and gross human rights violations that have been and are being committed by the Government of Eritrea in a climate of generalized impunity;

4. *Condemns in particular* the arbitrary detention, enforced disappearances, enslavement, torture, killing, sexual violence, discrimination on the basis of religion and ethnicity and reprisals for the alleged conduct of family members, as well as the human rights violations in the context of indefinite national service, including those involving forced labour, the forced military conscription of children and sexual violence;

5. *Expresses its deep concern* at the severe restrictions on the rights to freedom of opinion and expression, freedom of information, liberty of movement, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, and at the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

6. *Urges* States to extradite or to exercise jurisdiction over Eritreans accused of crimes against humanity who are in their territories;

7. *Reiterates* its numerous calls upon the Government of Eritrea, without delay:

(*a*) To end its use of arbitrary detention of its citizens, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment;

(*b*) To account for and release all political prisoners, including members of the G-15 reform group and journalists;

(*c*) To account for those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information, and either to release them or to ensure that they are given a free and fair trial, with full respect for due process;

(*d*) To ensure free and fair access to an independent judicial system for those detained, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres

and secret courts and the practice of incommunicado detention, allowing regular access to prisoners for relatives, legal advocates and other competent and legally authorized authorities and institutions, and to grant unhindered access to medical care;

(*e*) To put an end to the system of indefinite national service by demobilizing national service conscripts who have completed their mandatory 18 months of service, as announced by the Government of Eritrea, and by effectively ending the practice of engaging them in forced labor after such a period, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp;

(*f*) To end the practice of forcing citizens to participate in the militia;

(*g*) To investigate promptly all allegations of extrajudicial killings, torture and other cruel, inhumane and degrading treatment or punishment, rape and sexual abuse within the national service, and to bring perpetrators to justice;

(*h*) To end, and to confirm the end to, the practice of shooting to kill of its citizens attempting to cross the border to flee the country;

(*i*) To collaborate with human rights and humanitarian organizations and to allow them to operate in Eritrea without fear or intimidation in order to facilitate the full implementation of the Strategic Partnership Cooperation Framework for 2013-2016 signed by the Government of Eritrea and the United Nations on 28 January 2013, as well as other human rights-related projects;

(*j*) To respect everyone's right to freedom of expression and to freedom of thought, conscience and religion or belief, and the rights to freedom of peaceful assembly and of association;

(*k*) To enhance further the promotion and protection of women's rights, including by taking additional measures to combat harmful practices, such as child, early and forced marriage and female genital mutilation;

(*l*) To implement the recommendations made during its second universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and the universal periodic review during its third cycle;

(*m*) To end "guilt-by-association" policies that target family members of those who evade national service, seek to flee Eritrea or commit any other alleged crimes;

(*n*) To strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights in accordance with its international human rights obligations;

(*o*) To allow unhindered access to the country to further missions by the Office of the High Commissioner, the human rights treaty bodies and all mechanisms of the Human Rights Council, and to cooperate with all international and regional human rights mechanisms;

(*p*) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of the takeover on 21 January 2013 of the building of the Ministry of Information, and the 13 Djiboutian combatants still detained;

(*q*) To allow the creation of political parties and to guarantee their political participation, and to hold free, fair and transparent democratic elections at all levels, in accordance with international democratic standards;

(*r*) To account for the modalities and the progress of the expert group appointed to work on a constitution for Eritrea, while implementing the Constitution of 1997 in the meantime, and to govern in accordance with the principles of the rule of law;

8. *Calls upon* States in which witnesses reside to protect those who have cooperated with the commission of inquiry and the Special Rapporteur, and in particular to protect them from reprisals;

9. *Takes note* of the commission's conclusion that a regional mechanism could be created to address accountability in Eritrea, given the commission's observation that neither a hybrid tribunal nor a truth commission would be a viable option in the current circumstances;

10. *Urges* Eritrea to make available information pertaining to the remaining Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

11. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year, and requests the mandate holder to follow up on the implementation of the recommendations of the commission of inquiry in its report, to present an oral update to the Human Rights Council at its thirty-fourth session and to submit a written report on the situation of human rights in Eritrea to the Council at its thirty-fifth session, and to address and engage in an interactive dialogue with the General Assembly at its seventy-first session;

12. *Requests* the Office of the High Commissioner to present an oral update to the Human Rights Council at its thirty-fifth session on the status of the implementation of the recommendations made by the commission of inquiry and the situation of human rights in Eritrea;

13. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit the Special Rapporteur and her staff members unrestricted access to visit the country, to give due consideration to the recommendations contained in the reports of the Special Rapporteur, and to provide her with the information necessary for the fulfilment of her mandate, and underlines the importance for all States to lend their support to the Special Rapporteur for the discharge of her mandate;

14. *Urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children;

15. *Urges* States to take appropriate action against those business enterprises that use conscript labour, in violation of international standards of human rights and labour laws;

16. *Draws* the attention of relevant special procedures, for appropriate action, to the human rights violations and crimes identified by the commission in its reports, including the situation of members of minorities, such as the Kunama and the Afar;

17. *Requests* the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfil her mandate;

18. *Decides* to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations, including the General Assembly, the Security Council and the Secretary-General, for appropriate action and the purposes of accountability, including any that describe facts that may amount to a crime against humanity;

19. *Encourages* the African Union to follow up on the report of the commission of inquiry in Eritrea by assessing, using or establishing an accountability mechanism, under

the aegis of the African Union and supported by the international community, to investigate, prosecute and bring to justice those responsible for violations and abuses of human rights, including any that may amount to a crime against humanity;

20. *Decides* to remain seized of the matter.

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Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Djibouti,* Somalia:* draft resolution

32/... Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions 20/20 of 6 July 2012, 23/21 of 14 June 2013, 26/24 of 27 June 2014 and 29/18 of 2 July 2015,

Taking note that Eritrea is a State party to international and regional human rights instruments, and urging it to comply with its international obligations therefrom,

Noting the participation of Eritrea in the second cycle of the universal periodic review and its acceptance of 92 recommendations, its programme with the United Nations Development Programme to implement those recommendations, and calling upon the Government of Eritrea to take immediate concrete measures to implement those recommendations,

Welcoming the action taken by the Government of Eritrea to protect and promote the economic and social rights of its people, including through the early achievement of the Millennium Development Goals and its commitment to the Sustainable Development Goals,

* State not a member of the Human Rights Council.

Welcoming also the commitment of the Government of Eritrea to the promotion of gender equality, including through its programmes to end female genital mutilation and its campaign to end child marriage,

Welcoming further the meeting held between the Government of Eritrea and the members of the technical assessment mission undertaken by the Office of the United Nations High Commissioner for Human Rights, including the mission from 1 to 5 February 2016, while concerned at their limited access to the country, and encouraging further such missions,

Commending the commission of inquiry on human rights in Eritrea for completing its work in a transparent, impartial and consultative manner while regretting the continued lack of cooperation by the Government of Eritrea with the commission of inquiry and the Special Rapporteur on the situation of human rights in Eritrea, including the lack of access to the country,

Welcoming the report of the commission of inquiry on human rights in Eritrea, and taking note its content and recommendations,[1]

Emphasizing that everyone has the right to take part in the conduct of public affairs of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections in Eritrea have not been held since 1993 and that the Constitution of 1997 has never been implemented,

Expressing deep concern at the commission's findings that there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991,

Also expressing deep concern at the commission's findings that Eritrean officials have committed and continue to commit the crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder,

Noting with deep concern the commission's findings regarding crimes involving human rights violations, committed by government and ruling party officials, military commanders and members of the National Security Office,

Noting the commission's identification of individual suspects and careful maintenance of relevant information that may assist future accountability efforts,

Noting with grave concern the continued use by the Government of Eritrea of arbitrary arrest and detention, including incommunicado detention in extremely harsh and life-threatening conditions, of persons suspected of evasion of national service, attempting to flee the country or having a family member who has fled, inability to produce identity documents, exercising the right to freedom of religion, freedom of opinion, being perceived as critical of the Government, and of those who return to the country, as well as those detained in the aftermath of the takeover on 21 January 2013 of the building of the Ministry of Information,

Noting with regret the use of conscripts as forced labour in a wide range of economic activities,

Welcoming the release by the Government of Eritrea of four Djiboutian prisoners of war on 18 March 2016, while recalling that 13 other Djiboutian prisoners of war are still detained in Eritrea,

Expressing grave concern at the widespread use of indefinite conscription into national/military service, a system that constitutes forced labour, and the reported forced

[1] A/HRC/32/47.

conscription of children under the age of 18 into military service, and regretting that the fear and experience of a lengthy national service causes large numbers of Eritreans to leave the country,

Deeply concerned that the situation of human rights in Eritrea is a primary factor in the increasing number of Eritreans leaving their country, often facing risks of abduction, abhorrent physical and mental abuse and other ill-treatment on their migration path, including abuses by smugglers and human traffickers, while welcoming the participation of the Government of Eritrea in multilateral forums to discuss trafficking,

Noting with deep concern the commission's findings regarding persecution on both religious and ethnic grounds, including its assessment that there are reasonable grounds to believe that Eritrean officials have intentionally and severely deprived Eritrean Kunama and Afar persons of the enjoyment of their human rights and fundamental freedoms and that, at a minimum, the persecution of members of non-authorized religious denominations persists,

1. *Welcomes with appreciation* the report of the commission of inquiry on human rights in Eritrea,[1] stresses the importance of the work of the commission of inquiry and the information it has collected in support of future accountability, and urges the Government of Eritrea to take immediate and concrete steps to implement its recommendations;

2. *Welcomes* the oral update of the Special Rapporteur on the situation of human rights in Eritrea to the Human Rights Council at its thirty-first session on the issue of unaccompanied Eritrean children, and recognizes the special protection needs of unaccompanied children fleeing Eritrea and who are subjected to violations and abuses of human rights such as, inter alia, trafficking, abduction for ransom, sexual violence and torture;

3. *Condemns in the strongest terms* the reported systematic, widespread and gross human rights violations that have been and are being committed by the Government of Eritrea in a climate of generalized impunity;

4. *Condemns in particular* the arbitrary detention, enforced disappearances, enslavement, torture, killing, sexual violence, discrimination on the basis of religion and ethnicity and reprisals for the alleged conduct of family members, as well as the human rights violations in the context of indefinite national service, including those involving forced labour, the forced military conscription of children and sexual violence;

5. *Expresses its deep concern* at the severe restrictions on the rights to freedom to hold opinions and expression, freedom to seek, receive and impart information, liberty of movement, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, and at the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

6. *Reiterates* its numerous calls upon the Government of Eritrea, without delay:

(*a*) To end its use of arbitrary detention of persons in Eritrea, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment;

(*b*) To account for and release all political prisoners, including members of the G-15 reform group and journalists;

(*c*) To account for those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information, and either to release them or to ensure that they are given a fair and transparent trial without undue delay and with full respect for minimum fair-trial guarantees;

(*d*) To ensure free, fair and equal access to an independent and impartial court to challenge the lawfulness of any detention, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres and the practice of incommunicado detention, allowing regular access to prisoners for relatives, legal advocates and independent monitoring mechanisms, and to permit prompt and regular unhindered access to medical care;

(*e*) To put an end to the system of indefinite national service by demobilizing national service conscripts who have completed their mandatory 18 months of service, as announced by the Government of Eritrea, and by effectively ending the practice of engaging them in forced labour after such a period, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp;

(*f*) To end the practice of forcing citizens to participate in the militia;

(*g*) To investigate promptly all allegations of extrajudicial killings, torture and other cruel, inhumane and degrading treatment or punishment, rape and sexual abuse within the national service, and to bring perpetrators to justice;

(*h*) To end, and to confirm the end to the practice of shooting to wound or kill citizens attempting to cross the border to flee the country;

(*i*) To collaborate with human rights and humanitarian organizations and to allow them to operate in Eritrea without fear or intimidation in order to facilitate the full implementation of the Strategic Partnership Cooperation Framework for 2013-2016 signed by the Government of Eritrea and the United Nations on 28 January 2013, as well as other human rights-related projects;

(*j*) To respect everyone's right to freedom of expression and to freedom of thought, conscience and religion or belief, and the rights to freedom of peaceful assembly and of association;

(*k*) To enhance further the promotion and protection of women's rights, including by taking additional measures to combat harmful practices, such as child, early and forced marriage and female genital mutilation;

(*l*) To implement the recommendations made during its second universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and the universal periodic review during its third cycle;

(*m*) To end "guilt-by-association" policies that target family members of those who evade national service, seek to flee Eritrea or commit any other alleged crimes;

(*n*) To strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights in accordance with its international human rights obligations, and to consider inviting the Office to establish a presence inside the country;

(*o*) To allow unhindered access to the country to further missions by the Office of the High Commissioner, the human rights treaty bodies and all mechanisms of the Human Rights Council, and to cooperate with all international and regional human rights mechanisms;

(*p*) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of the takeover on 21 January 2013 of the building of the Ministry of Information, and the 13 Djiboutian combatants still detained;

(q) To allow the creation of political parties and guarantee their political participation and to hold free, fair and transparent democratic elections at all levels;

(r) To account for the modalities and the progress of the expert group appointed to work on a constitution for Eritrea, while implementing the Constitution of 1997 in the meantime, and to govern in accordance with the principles of the rule of law;

7. *Encourages* States in which witnesses reside to protect those who have cooperated with the commission of inquiry and the Special Rapporteur, and in particular to protect them from reprisals;

8. *Takes note* of the commission's conclusion that a regional mechanism could be created to address accountability in Eritrea, given the commission's assertion that neither a hybrid tribunal nor a truth commission would be a viable option in the current circumstances;

9. *Urges* Eritrea to make available information pertaining to the remaining Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

10. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year, and requests the mandate holder to follow up on the implementation of the recommendations of the commission of inquiry in its report, to present an oral update to the Human Rights Council at its thirty-fourth session and to submit a written report on the situation of human rights in Eritrea to the Council at its thirty-fifth session, and to address and engage in an interactive dialogue with the General Assembly at its seventy-first session;

11. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit the Special Rapporteur and her staff members unrestricted access to visit the country, to give due consideration to the recommendations contained in the reports of the Special Rapporteur, and to provide her with the information necessary for the fulfilment of her mandate, and underlines the importance for all States to lend their support to the Special Rapporteur for the discharge of her mandate;

12. *Requests* the Office of the High Commissioner to continue to enhance engagement in improving the situation of human rights in Eritrea, and to present an oral update to the Human Rights Council at its thirty-fifth session on progress in the cooperation between Eritrea and the Office, and on its impact on the situation of human rights in Eritrea;

13. *Urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children;

14. *Encourages* business enterprises to carry out appropriate human rights due diligence in order to identify, prevent, mitigate and account for how they address their human rights impact, including with respect to allegations of use of conscript labour;

15. *Encourages* Member States to increase attention and, if feasible, resources to improve the situation of human rights in Eritrea by strengthening engagement with the Government of Eritrea;

16. *Requests* the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfil her mandate;

17. *Requests* the General Assembly to submit the report and the oral updates of the commission of inquiry to the Security Council for its consideration and appropriate action, including that those responsible for human rights violations, including those that may amount to crimes against humanity, be held accountable;

18. *Strongly encourages* the African Union to follow up on the report and recommendations of the commission of inquiry on human rights in Eritrea by establishing an investigation, supported by the international community, with a view to examining and bringing to justice those responsible for violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity;

19. *Decides* to remain seized of the matter.

United Nations

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Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Australia,* Austria,* Belgium, Bolivia (Plurinational State of), Bosnia-Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Greece,* Hungary,* Iceland,* Italy,* Japan,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Paraguay, Peru,* Philippines, Poland,* Portugal, Republic of Moldova,* Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia, Ukraine,* United States of America:* draft resolution

32/... Trafficking in persons, especially women and children: protecting victims of trafficking and people at risk of trafficking, especially women and children in conflict and post-conflict situations

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous General Assembly and Human Rights Council resolutions on the problem of trafficking in persons, especially women and children,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

* State not a member of the Human Rights Council.

Reaffirming also the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming further the Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 thereto, the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour, 2014 (No. 203) of the International Labour Organization,

Recalling the Domestic Workers Convention, 2011 (No. 189) and the Domestic Workers Recommendation, 2011 (No. 201) of the International Labour Organization,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] and recalling targets 5.2, 8.7 and 16.2, which aim at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

Taking note of the decision of the General Assembly to declare 30 July World Day against Trafficking in Persons,

Taking note also of the Recommended Principles and Guidelines on Human Rights and Human Trafficking[2] and the commentary thereon developed by the Office of the United Nations High Commissioner for Human Rights,

Recalling resolution 2015/23 of the Economic and Social Council of 21 July 2015 on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Committee against Torture at the persistence of trafficking and the vulnerability of trafficked persons to human rights violations and abuses,

Affirming that trafficking in persons violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

Recognizing that victims of trafficking in persons are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, race, disability, ethnicity, culture and religion, as well as national or social origin or other status, and that these forms of discrimination may themselves fuel trafficking in persons,

Recognizing also that poverty, unemployment, lack of socioeconomic opportunities, gender-based violence, discrimination and marginalization are some of the contributing factors that make persons vulnerable to trafficking,

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[1] General Assembly resolution 70/1.

[2] E/2002/68/Add.1.

Recognizing further the heightened vulnerability to trafficking of women and children in humanitarian crisis situations, including in conflict and post-conflict environments, natural disasters and other emergency environments,

Recognizing the need to reinforce efforts regarding the provision of relevant documents, such as birth registration documents, in order to lower the risk of being trafficked and to help to identify victims of trafficking in persons,

Noting that the availability of regular migration opportunities can be one way to reduce the risk of people being trafficked,

Noting with concern that some of the demand fostering sexual exploitation, exploitative labour and the illegal removal of organs is met by trafficking in persons,

Welcoming in particular the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations, as well as regional and subregional initiatives to address the problem of trafficking in persons, especially women and children, including the Working Group on trafficking in persons established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly in its resolution 64/293 of 30 July 2010, and the Inter-Agency Coordination Group against Trafficking in Persons,

Taking note of the Global Report on Trafficking in Persons of the United Nations Office on Drugs and Crime and the Global Report on Forced Labour of the International Labour Organization,

Reaffirming the importance of bilateral, subregional, regional and international cooperation mechanisms and initiatives, including information exchanges on best practices, of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to rescue victims and to provide for their protection and access to remedies, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Recognizing the importance of the work of the Special Rapporteur on trafficking in persons, especially women and children, in the prevention of trafficking in persons and the promotion of the global fight against trafficking in persons and in promoting awareness of and upholding the human rights of victims of trafficking,

Convinced of the need to protect and assist all victims of trafficking, with full respect for the human rights and dignity of the victims,

1. *Notes with appreciation* the thematic report of the Special Rapporteur on trafficking in persons, especially women and children, focusing on protecting victims of trafficking and people at risk of trafficking, especially women and children, in conflict and post-conflict situations;[1]

2. *Calls upon* all States:

(*a*) To protect people, particularly women, children and other vulnerable groups in conflict affected areas, and people fleeing conflict, from all forms of trafficking in persons;

[1] A/HRC/32/41.

(*b*) To identify measures to prevent trafficking for purposes of labour exploitation of persons fleeing conflict, including by establishing safe and regular channels of migration, respecting the principle of non-refoulement and, as appropriate, examining possibilities for their access to the labour market in the host country;

(*c*) To ensure birth registration and education and to promote access to marriage registration of persons fleeing conflict, including those living in camps for internally displaced persons and refugees, as a way to address potential trafficking in children;

(*d*) To prevent and to prosecute trafficking in persons in all its forms;

(*e*) To consider granting non-national victims of trafficking residence status and assistance in line with national laws and practice, not to be made conditional on the initiation of criminal proceedings or their cooperation with law enforcement authorities;

(*f*) To train all stakeholders, including humanitarian personnel working in conflict zones and in refugee camps, to identify potential cases of trafficking and those individuals at risk of being trafficked;

(*g*) To continue predeployment training of United Nations peacekeepers, police and experts on mission on issues relating to potential cases of trafficking, consistent with the directives, guidelines, standard operating procedures, manuals and training materials issued by the United Nations Department of Peacekeeping Operations;

(*h*) To establish and/or adapt national gender-sensitive and child-friendly referral mechanisms for assistance and protection services for victims and potential child victims of trafficking in persons, including through appropriate services and measures for the physical, psychological and social recovery of child victims of trafficking in persons and for their education, allowing for their recovery and creating a protective environment for them in coordination with existing child protection systems;

3. *Invites* relevant United Nations agencies, funds and programmes, international organizations and humanitarian actors to take into account, as appropriate, the recommendations in the report of the Special Rapporteur on trafficking in persons, especially women and children,[3] in order to identify promptly possible cases of trafficking in persons and to pursue human rights-based anti-trafficking responses in conflict, post-conflict, disaster and other emergency situations;

4. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit their countries, to provide her with all necessary information relating to the mandate and to react promptly to her urgent appeals;

5. *Strongly encourages* Governments to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner[4] as a useful tool in integrating a human rights-based approach into their responses to combat trafficking in persons;

6. *Urges* States to establish or strengthen national programmes and to engage in bilateral, subregional, regional and international cooperation, including by forging regional initiatives or plans of action,[4] to address the problem of trafficking in persons in accordance with a victim-centred approach;

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[4] Such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Coordinated Mekong Ministerial Initiative against Trafficking, the Action Plan for the Asia-Pacific region of the Asian Regional Initiative against Trafficking in Persons, especially Women and Children, the Convention against Trafficking in Persons, Especially Women and Children, of the Association of Southeast Asian Nations and its Plan of Action, the initiatives of the European Union

7. *Also urges* States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

8. *Further urges* States, the United Nations and other international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, to implement fully and effectively the relevant provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons and to carry out the activities outlined therein;

9. *Calls upon* Governments to intensify their efforts to address, with a view to eliminating, the demand that fosters the trafficking of women and children for all forms of exploitation, and in this regard to put in place or to enhance preventive measures, including legislative and punitive measures, to deter exploiters of trafficked persons, and to ensure their accountability;

10. *Also calls upon* Governments, the international community and all other organizations and entities that deal with conflict, post-conflict, disaster and other emergency situations to address the heightened vulnerability of women and children to trafficking and exploitation and associated gender-based violence, and to include the prevention of the trafficking of affected women and children in all such national, regional and international initiatives;

11. *Urges* Governments to devise, enforce and strengthen effective gender- and age-sensitive measures to combat and eliminate all forms of trafficking in women and children, including for sexual and economic exploitation, as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national action plans in this regard;

12. *Also urges* Governments to ensure that the prevention of and responses to trafficking in persons continue to take into account the specific needs of women and girls and their participation in and contribution to all phases of preventing and responding to trafficking, especially in addressing specific forms of exploitation, such as sexual exploitation;

13. *Calls upon* all Governments to criminalize all forms of trafficking in persons, and to bring to justice and punish the offenders and intermediaries involved in trafficking in persons;

14. *Urges* Governments, in accordance with their respective legal systems, to take all appropriate measures, including through policies and legislation, to ensure that victims of trafficking are protected from prosecution or punishment for acts that they have

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on a comprehensive European policy and programmes on trafficking in human beings, as expressed in the European Union Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, the activities of the Council of Europe and the Organization for Security and Cooperation in Europe, the activities of the Council of the Baltic Sea States, the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the Organization of American States Meetings of National Authorities on Trafficking in Persons, the Commonwealth of Independent States Agreement on Cooperation in Combating Trafficking in Persons, Human Organs and Tissues, and the activities of the International Labour Organization and the International Organization for Migration in this field.

been compelled to commit as a direct consequence of having been trafficked, and that the victims do not suffer from revictimization as a result of actions taken by government authorities, and encourages Governments to prevent, within their legal frameworks and in accordance with national policies, victims of trafficking in persons from being prosecuted or punished as a direct consequence of their illegal entry or residence;

15. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children;

16. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur on trafficking in persons, especially women and children, receives the resources necessary to enable the mandate holder to discharge the mandate fully;

17. *Decides* to continue consideration of the issue of trafficking in persons, especially women and children, in accordance with its annual programme of work.

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General Assembly

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Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Colombia,* Georgia, Mexico, Norway,* Peru:* draft resolution

32/... Elimination of discrimination against women

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and all other relevant international human rights instruments,

Reaffirming also the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling all relevant resolutions on the elimination of discrimination against women adopted by the Human Rights Council, the General Assembly, the Security Council and other United Nations agencies and bodies,

Welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its integration into all goals and targets of the 2030 Agenda for Sustainable Development,[1] including in its health-related provisions, and the adoption of the Addis Ababa Action Agenda,[2]

Underscoring that international human rights treaties prohibit discrimination on the basis of gender, and include guarantees to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

* State not a member of the Human Rights Council.

[1] General Assembly resolution 70/1.

[2] General Assembly resolution 69/313, annex.

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1610717

Please recycle

Stressing that health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, and that women's safety is an integral aspect of their health,

Emphasizing that women's and girls' equal rights in the context of health and safety requires the provision of differential services, treatment and medicines in accordance with their specific needs throughout their life cycle, which are distinctively different to those of men, and their social and economic vulnerabilities,

Recognizing that the quality of women's health care is often deficient in various ways, depending on local circumstances, and that women are frequently not treated with respect, nor are they guaranteed privacy and confidentiality, nor do they always receive full information about the options and services available,

Reaffirming that the human rights of women include a woman's right to have control over her own body and to decide freely and responsibly on matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships between women and men in matter of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing that health policies and programmes often perpetuate gender stereotypes and fail to consider socioeconomic disparities and other differences among women, and may not fully take account of the lack of autonomy of women regarding their health, and that women's health is also affected by gender bias in the health system and by the provision of inadequate and inappropriate medical services to women,

Reaffirming that the Beijing Declaration and Platform of Action and the outcome documents of its reviews, and the outcomes of relevant major United Nations conferences and summits and the follow-up to them, have laid a solid foundation for sustainable development, and that the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action will make a crucial contribution to the implementation of the 2030 Agenda for Sustainable Development that will leave no one behind,

Recognizing while deeply regretting that many women and girls, particularly those belonging to marginalized groups or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subjected to discriminatory laws and practices, and that de jure and de facto equality has not been achieved,

Expressing concern about the disparate impact of poverty, global economic crises, austerity measures, climate change, conflict and natural disasters on women's and girls' health and well-being,

1. *Takes note* of the report of the Working Group on the issue of discrimination against women in law and in practice with regard to health and safety, and the work undertaken since its establishment;[1]

2. *Reiterates* that States should take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health-care services, including those related to family planning, and that States shall ensure for women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation;

[1] A/HRC/32/44.

3. *Affirms* that realizing human rights requires the full, effective and meaningful participation and contribution of women and girls in all aspects of life, on an equal footing with men and boys;

4. *Calls upon* States to ensure women's and girls' access to accessible, affordable, available, appropriate, effective and high-quality health care and services, and to eliminate legal, administrative, financial and social barriers that hinder the full enjoyment of the highest attainable standard of physical and mental health, particularly when designing policy measures, programmes and resource allocations;

5. *Also calls upon* States to ensure women's equal right to health, which requires the integration of the distinct needs of each phase of their life cycle through their differential health treatment;

6. *Urges* States to take steps to ensure that laws, policies and practices respect women's equal right to decide autonomously in matters regarding their own lives, health or bodies, including by repealing discriminatory laws that require third-party authorization for health information and services, and to combat gender stereotypes and behaviours that discriminate against them;

7. *Calls upon* States to implement a human rights-based approach to women's health in promoting a functioning health system, with adequate supplies, equipment, trained personnel and infrastructure, and an efficient system of communication, referral and transport to ensure women's right to health and life;

8. *Recognizes* the need to pay specific attention and to take differentiated measures, including special protection and support services, when addressing multiple and intersecting forms of discrimination against women and girls;

9. *Calls upon* States to monitor and prevent forced institutionalization and overmedication, and to ensure non-discrimination in relation to women's mental health;

10. *Urges* States to adopt effective measures and to enact laws and policies to prevent and eliminate harmful practices, such as child, early or forced marriage or female genital mutilation and cutting;

11. *Also urges* States to ensure the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks and to strengthen health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and available, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, while recognizing that human rights include the right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

12. *Urges* States to ensure equal access to and equal treatment of women and men in education and health care, and to enhance women's sexual and reproductive health as well as education, including by, inter alia, training health providers and other health-care workers on gender equality and non-discrimination, respect for women's rights and dignity, in lifesaving obstetric care and when giving birth, especially midwives and auxiliary nurses,

ensuring the affordability of medicines and treatments, avoiding the overmedicalization of women's health, recognizing alternative medicine, abolishing discriminatory practices of criminalization and other barriers that hinder women's access to health services, and providing age-appropriate, sexual health information, education and counselling, based on scientific evidence and human rights, for women, girls, men and boys;

13. *Also urges* States to adopt a holistic approach to maternal health, one of the elements of the full spectrum of women's health, by reducing maternal mortality and morbidity through the provision of family planning and ensuring proper prenatal care, skilled attendance at birth, postnatal care and methods of prevention, including affordable treatment and support services for sexually transmitted infections, such as HIV/AIDS, free of stigma and discrimination;

14. *Underlines* the need to exercise due diligence and accountability to ensure that the diverse health actors who provide health services or produce medications do so in a gender responsive and non-discriminatory way;

15. *Stresses* the need to accelerate efforts at all levels to eliminate all forms of violence against women and girls, including domestic violence, violence on their way to or at school, in other public spaces and in health facilities;

16. *Recommends* that States collect data, prepare statistics disaggregated by age, disability and sex, and conduct multidisciplinary research reflecting specific issues related to women's health and safety;

17. *Reaffirms* the importance of significantly increased investment to close resource gaps for achieving gender equality and the empowerment of all women and girls, including through the mobilization of financial resources from all sources;

18. *Recognizes* that civil society organizations, including independent women's organizations and human rights defenders, do important work in promoting full equality in all aspects of life, including women's health, in cooperation with Governments, and that they therefore require support for their sustainability, safety and growth;

19. *Decides* to extend the mandate of the Working Group on the issue of discrimination against women in law and in practice for a period of three years on the same terms as provided for by the Human Rights Council in its resolution 23/7 of 13 June 2013;

20. *Calls upon* all States to cooperate with and assist the Working Group in its tasks, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

21. *Invites* relevant United Nations agencies, funds and programmes, the treaty bodies, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and reporting, on request;

22. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

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Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Chile,* Colombia,* Croatia,* Denmark,* Finland,* Georgia, Mexico, Netherlands, Norway,* Peru,* Romania,* Slovakia,* United Kingdom of Great Britain and Northern Ireland: draft resolution

32/... Elimination of discrimination against women

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and all other relevant international human rights instruments,

Recalling the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions on the elimination of discrimination against women adopted by the Human Rights Council, the General Assembly, the Security Council and other United Nations agencies and bodies,

Welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its integration into all goals and targets of the 2030 Agenda for Sustainable Development,[1] including in its health-related provisions, and the adoption of the Addis Ababa Action Agenda,[2]

* State not a member of the Human Rights Council.

[1] General Assembly resolution 70/1.

[2] General Assembly resolution 69/313, annex.

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Please recycle

Underscoring that international human rights treaties prohibit discrimination on the basis of gender, and include guarantees to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the basis of equality,

Stressing that health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity,

Emphasizing that realizing the rights of women and girls that are equal to those of men and boys in the context of health and safety requires the provision of differential services, treatment and medicines in accordance with their specific needs throughout their life cycle, which are distinctively different to those of men, and the elimination of the social and economic barriers that may make them more vulnerable,

Recognizing that the quality of women's health care is often deficient in various ways, depending on local circumstances, and that women are frequently not treated with respect, nor are they guaranteed privacy and confidentiality, nor do they always receive full information about the options and services available,

Reaffirming that the human rights of women include a woman's right to have control over, and to decide freely and responsibly on, matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships between women and men in matter of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing that health policies and programmes often perpetuate gender stereotypes and fail to consider socioeconomic disparities and other differences among women, and may not fully take account of the lack of autonomy of women regarding their health, and that women's health is also affected by gender bias in the health system and by the provision of inadequate and inappropriate medical services to women,

Reaffirming that the Beijing Declaration and Platform of Action and the outcome documents of its reviews, and the outcomes of relevant major United Nations conferences and summits and the follow-up to them, have laid a solid foundation for sustainable development, and that the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action will make a crucial contribution to the implementation of the 2030 Agenda for Sustainable Development that will leave no one behind,

Recognizing while deeply regretting that many women and girls, particularly those belonging to marginalized groups or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subjected to discriminatory laws and practices, and that de jure and de facto equality has not been achieved,

Expressing concern about the disparate impact of poverty, global economic crises, austerity measures, climate change, conflict and natural disasters on women's and girls' health and well-being,

1. *Takes note* of the report of the Working Group on the issue of discrimination against women in law and in practice with regard to health and safety, and the work undertaken since its establishment;[1]

2. *Reiterates* that States should take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health-care services, including those related to family planning, and that States should ensure for women appropriate services in

[1] A/HRC32/44.

connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation;

3. *Affirms* that realizing human rights requires the full, effective and meaningful participation and contribution of women and girls in all aspects of life, on an equal footing with men and boys;

4. *Calls upon* States to ensure women's and girls' equal access to accessible, affordable, available, appropriate, effective and high-quality health care and services, and to eliminate legal, administrative, financial and social barriers that hinder women's right to the full enjoyment of the highest attainable standard of physical and mental health, particularly when designing policy measures, programmes and resource allocations;

5. *Also calls upon* States to ensure women's equal right to the full enjoyment of the highest attainable standard of physical and mental health, and to promote the integration of the distinct needs of each phase of their life cycle through their differential health treatment;

6. *Urges* States to take steps to ensure that laws, policies and practices respect women's equal right to decide autonomously in matters regarding their own lives and health, including their bodies, by repealing discriminatory laws relating third-party authorization for health information and services, and combating gender stereotypes and behaviours that discriminate against them;

7. *Calls upon* States to promote a human rights-based approach to women's health, and to foster a functioning health system, with adequate supplies, equipment, trained personnel and infrastructure, and an efficient system of communication, referral and transport to support women's right to the full enjoyment of the highest attainable standard of physical and mental health;

8. *Recognizes* the need to pay specific attention and to take differentiated measures, including special protection and support services, when addressing multiple and intersecting forms of discrimination against women and girls;

9. *Calls upon* States to monitor and prevent unlawful forced institutionalization and overmedication, and to ensure non-discrimination in relation to women's mental health;

10. *Urges* States to adopt effective measures and to enact laws and policies to prevent and eliminate harmful practices, such as child, early and forced marriage or female genital mutilation and cutting;

11. *Also urges* States to ensure the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks and to strengthen health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and available, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, while recognizing that human rights include the right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

12. *Urges* States to ensure equal access to and equal treatment of women and men in education and health care, and to enhance women's sexual and reproductive health as well as education, including by, inter alia, training health providers and other health-care workers on gender equality and non-discrimination, respect for women's rights and dignity, in lifesaving obstetric care and when giving birth, especially midwives and auxiliary nurses, ensuring the affordability of medicines and treatments, avoiding the overmedicalization of women's health, acknowledging alternative medicine, abolishing discriminatory practices that hinder women's access to health services, and providing age-appropriate, sexual health information, education and counselling, based on scientific evidence and human rights, for women, girls, men and boys;

13. *Also* urges States to take all appropriate measures to ensure equal access of women with disabilities to health services that are gender sensitive, including health-related rehabilitation;

13. *Further urges* States to adopt a holistic approach to maternal health, one of the elements of the full spectrum of women's health, by reducing maternal mortality and morbidity by promoting access to family planning and proper prenatal care, skilled attendance at birth, postnatal care and methods of prevention, including affordable treatment and support services for sexually transmitted infections, such as HIV/AIDS, free of stigma and discrimination;

14. *Underlines* the need to take measures to exercise due diligence and accountability to ensure that health services and medications are provided in a gender responsive and non-discriminatory way;

15. *Stresses* the need to accelerate efforts at all levels to eliminate all forms of violence against women and girls, including domestic violence, violence on their way to or at school, in other public spaces and in health facilities;

16. *Recommends* that States collect data, prepare statistics disaggregated by age, disability and sex, and conduct multidisciplinary research reflecting specific issues related to women's health and safety;

17. *Reaffirms* the importance of significantly increased investment to close resource gaps for achieving gender equality and the empowerment of all women and girls, including through the mobilization of financial resources from all sources;

18. *Recognizes* that civil society organizations, including independent women's organizations and human rights defenders, do important work in promoting full equality in all aspects of life, including women's health, and in eliminating violence against women and girls, and that they therefore require support for their sustainability, safety and growth;

19. *Decides* to extend the mandate of the Working Group on the issue of discrimination against women in law and in practice for a period of three years on the same terms as provided for by the Human Rights Council in its resolution 23/7 of 13 June 2013;

20. *Calls upon* all States to cooperate with and assist the Working Group in its tasks, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

21. *Invites* relevant United Nations agencies, funds and programmes, the treaty bodies, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and reporting, on request;

22. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

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Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Bolivia (Plurinational State of), Russian Federation: draft resolution

32/... Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality,

Reaffirming its resolutions 7/10 of 27 March 2008, 10/13 of 26 March 2009, 13/2 of 24 March 2010, 20/4 of 5 July 2012, 20/5 of 16 July 2012 and 26/14 of 26 June 2014, as well as all previous resolutions adopted by the Commission on Human Rights, on the issue of human rights and the arbitrary deprivation of nationality,

Reaffirming also its resolution 19/9 of 22 March 2012, in which it took into consideration the fact that persons without birth registration may be vulnerable to statelessness and associated lack of protection,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Reaffirming the importance of the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness as a means of preventing and reducing statelessness and ensuring the protection of stateless persons,

Recalling the Convention on the Rights of the Child, in particular its articles 3, 7 and 8, which recognize the principle of the best interests of the child and guarantee the right of the child to be registered immediately after birth and to acquire nationality,

Noting the provisions of other international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia,

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Please recycle

article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3 of the International Covenant on Civil and Political Rights, articles 1 to 3 of the Convention on the Nationality of Married Women, article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, as well as relevant regional instruments,

Noting also general recommendation No. 30 (2004) of the Committee on the Elimination of Racial Discrimination,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law, as well as by instruments on statelessness, including, with respect to State parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 70/135 of 17 December 2015, in which the Assembly, inter alia, urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Welcoming the launch in November 2014 by the United Nations High Commissioner for Refugees of the 10-year global #IBelong Campaign to End Statelessness,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying them to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions on the issue of the nationality of natural persons in relation to the succession of States, in particular resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004, 63/118 of 11 December 2008 and 66/92 of 9 December 2011, in which the Assembly invited States to take into account the provisions of the articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission in dealing with issues of nationality of natural persons in relation to the succession of States,

Recalling the 2030 Agenda for Sustainable Development,[1] and also recalling its goal 16, target 9, to provide legal identity for all, including birth registration,

Acknowledging that the principle of non-discrimination applies to the interpretation and realization of the right to nationality,

Recognizing that arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the Special Rapporteur on minority issues on the subject of the right to nationality,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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[1] General Assembly resolution 70/1.

Acknowledging that incidents of discriminatory deprivation of nationality, including without a clear legislative basis or for which a legislative basis was exceptionally created, have been a source of widespread suffering and statelessness in the past,

Noting that some of the situations mentioned above remain unresolved to this day and have led to intergenerational statelessness, which affects the children and grandchildren of those originally deprived of their nationality,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness and, in this regard, expressing concern at various forms of discrimination against stateless persons that may violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right enshrined in, inter alia, the Universal Declaration of Human Rights;

2. *Stresses* that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, including disability, is a violation of human rights and fundamental freedoms;

3. *Emphasizes* that the statelessness of a person resulting from the arbitrary deprivation of his or her nationality cannot be invoked by States as a justification for the denial of other human rights;

4. *Calls upon* States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including disability, especially if such measures and legislation render a person stateless;

5. *Urges* States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with the principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

6. *Encourages* States to grant their nationality to persons who had habitual residence in their territory before it was affected by the succession of States, especially if those persons would otherwise become stateless;

7. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality, and that such individuals are placed in a situation of increased vulnerability to human rights violations;

8. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and limited legal capacity, which have an adverse impact on their enjoyment of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment, health and social security;

9. *Reaffirms* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against arbitrary deprivation of nationality;

10. *Also reaffirms* that the primary purpose of protecting the right of every child to acquire a nationality is to prevent a child from being afforded less protection because he or she is stateless;

11. *Reiterates* that the right to identity is intimately linked to the right of nationality;

12. *Urges* States to register every child's birth, regardless of the child's or the child's parents' nationality, statelessness or legal status, and to ensure that proof of identity is available to all children;

13. *Calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;

14. *Urges* States in regulating loss and deprivation of nationality to ensure incorporation in their domestic law of safeguards to prevent statelessness;

15. *Calls upon* States to ensure that such safeguards are implemented and access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality, is provided;

16. *Also calls upon* States to consider whether loss or deprivation of nationality is proportionate to the interest to be protected by the loss or deprivation, including in the light of severe impact of statelessness, and to consider alternative measures that could be adopted;

17. *Urges* States to refrain from automatically extending the loss or deprivation of nationality to a person's dependents;

18. *Welcomes* the report of the Secretary-General submitted to the Human Rights Council in accordance with its resolution 26/14,[2] and the conclusions and recommendations contained therein;

19. *Stresses* that the arbitrary deprivation of nationality places children in a situation of increased vulnerability to human rights violations;

20. *Urges* States to ensure that children deprived of nationality enjoy fully their human rights, including the rights to an identity, education, health, an adequate standard of living, family life and freedom of movement;

21. *Also urges* States to ensure that children deprived of nationality are protected at all times against all human rights violations, including exploitation, trafficking, torture or other cruel, inhuman or degrading treatment and the arbitrary deprivation of liberty;

22. *Encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction on Statelessness if they have not already done so;

23. *Welcomes* the ongoing efforts made in the field of reduction of statelessness and combating arbitrary deprivation of nationality by different United Nations bodies and entities and human rights treaty bodies;

24. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies, and encourages the Office of the United Nations High Commissioner for Refugees, to continue to collect information on the issue of human rights and arbitrary

[2] A/HRC/31/29.

deprivation of nationality from all relevant sources, and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

25. *Encourages* States to cooperate fully with such international initiatives as the global #IBelong Campaign to End Statelessness, and to respect their commitments under the 2030 Agenda for Sustainable Development, including goal 16, target 9, which relates to the provision of legal identity for all, including birth registration;

26. *Decides* to continue its consideration of this issue in accordance with its programme of work.

United Nations A/HRC/32/L.9

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Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Albania, Australia,* Austria,* Belgium, Bulgaria,* Czech Republic,* Denmark,* Finland,* France, Georgia, Germany, Iceland,* Israel,* Italy,* Japan,* Jordan,* Kuwait,* Latvia, Luxembourg,* Maldives, Malta, Montenegro,* Morocco, Netherlands, Poland,* Qatar, Romania,* Saudi Arabia, Slovakia,* Slovenia, Spain*, Sweden,* the former Yugoslav Republic of Macedonia, Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

32/... The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Welcoming the adoption by the Security Council of its resolution 2268 (2016) on 26 February 2016,

Reaffirming its strong commitment to the full respect of sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

* State not a member of the Human Rights Council

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Recalling also that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic, social and cultural rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent suppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance, in accordance with the Geneva communiqué and consistent with Security Council resolutions 2254 (2015) of 18 December 2015 and 2258 (2015) of 22 December 2015, urging the Special Envoy to continue pushing the parties to negotiate a political transition, demanding that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in Syria and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Welcomes* the statement of the International Syria Support Group of 17 May 2016 in Vienna, including its request for the Special Envoy of the Secretary-General for Syria to facilitate agreements between the Syrian parties for the release of detainees and its call for any party holding detainees to protect the health and safety of those in their custody;

2. *Stresses* the importance of achieving a full cessation of hostilities in the Syrian Arab Republic, demands that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of humanitarian law;

3. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

7. *Further strongly condemns* all attacks against the Syrian moderate opposition, and calls for their immediate cessation, given that such attacks benefit the so-called Islamic State in Iraq and the Levant (Daesh) and other terrorist groups, such as al-Nusrah Front, and contribute to a further deterioration of the humanitarian situation;

8. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

9. *Expresses its deepest concern* about the findings of the Commission of Inquiry on crimes committed against persons belonging to the Yazidi community in the Syrian Arab Republic by the so-called Islamic State in Iraq and the Levant (Daesh);

10. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities, and urges all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian infrastructure, including against medical facilities and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Expressing its profound concern* about the escalation of intolerable suffering of civilians in and around Aleppo;

12. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence and torture, especially in detention centres run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations or abuses of international human rights law or violations of international humanitarian law;

13. *Condemns* the denial of medical services in all prisons and detention facilities;

14. *Recognizes* the permanent damage that torture causes to its victims and their families;

15. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and for the Syrian authorities to publish a list of all detention facilities;

16. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

17. *Strongly condemns* any use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, welcomes the fact that the Joint Investigative Mechanism, which was established by the Security Council in its resolution 2235 (2015) of 7 August 2015 to identify those involved in the use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, became fully operational in November 2015, and demands that the Syrian Arab Republic respect fully its international obligations, including the requirement that it declare in full its chemical weapons programme and eliminate it in its entirety;

18. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or, transfer, directly or indirectly, chemical weapons to other States or non-State actors;[1]

19. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded in resolution 2139 (2014);

20. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

21. *Condemns* the Syrian authorities' use of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs, and attacks against civilians and civilian infrastructure, including medical facilities;

22. *Condemns in the strongest terms* the increasing number of mass casualty incidents, including any which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

23. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

24. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

25. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

26. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, and the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

[1] See Security Council resolution 2235 (2015).

27. *Also strongly condemns* the reported forced displacement of the population in the Syrian Arab Republic and the alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

28. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts aimed at finding a political solution to the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2254 (2015), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks;

29. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

30. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

31. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

32. *Emphasises* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country, as a prerequisite to bring about reconciliation and sustainable peace;

33. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

34. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

35. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

36. *Welcomes* the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway, Kuwait and the United Nations to co-host the London conference on supporting the Syrian Arab Republic and the region on 4 February 2016, which raised new funding to meet the immediate and long-term needs of those affected by the Syrian crisis, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges, including from the London conference;

37. *Takes note* of those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

38. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens receive equal protection, regardless of gender, religion, and ethnicity;

39. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

40. *Also decides* to remain seized of the matter.

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Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark* Estonia,* Finland,* France, Germany, Greece,* Hungary,* Ireland,* Italy,* Latvia, Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Poland,* Portugal, Romania,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

32/... Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 29/17 of 2 July 2015, and deploring the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while noting the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Belarus;[1]

2. *Expresses concern* at the situation of human rights in Belarus, the ongoing violations and the use of torture and ill-treatment in custody, the lack of response by the Government of Belarus to cases of enforced disappearance of political opponents, the

* State not a member of the Human Rights Council.
[1] A/HRC/32/48 and A/70/313.

impunity of perpetrators of human rights violations, the violations of labour rights amounting to forced labour, the significant gaps in anti-discrimination legislation, the pressure on defence lawyers and the lack of participation of opposition political parties in Parliament;

3. *Calls upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights law and with its human rights obligations and commitments, and not used to impede or unduly restrict the exercise of any human right, including the right to freedom of opinion and expression, the right to peaceful assembly and the right to freedom of association, including to form and join a trade union, as well as the freedom of the media;

4. *Acknowleages* engagement of Belarus in the twenty-second session of the universal periodic review, in 2015, calls upon Belarus to continue to work on the implementation of accepted review recommendations with the full participation of all of civil society, and takes note of the preparatory work done to date on its national plan of action on human rights;

5. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, including the number of persons sentenced to death or executed and the crimes for which it is applied, taking into account that transparency is a requirement of fair and effective criminal justice, requests him to continue to monitor developments and to make recommendations, and in this regard encourages the parliamentary working group on the death penalty to expedite its work;

6. *Urges* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the full independence and impartiality of the judiciary, the presumption of innocence, the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal established by law and to freely chosen legal representation throughout all proceedings, as well as the availability of information on the implementation of all sentences, while encouraging the Government to continue to reform the judiciary;

7. *Welcomes* the release of political prisoners in August 2015, calls for the reinstatement of the civil and political rights of former political prisoners, in particular in view of the parliamentary election of September 2016, strongly urges the Government of Belarus to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials and to prosecute alleged perpetrators and punish those found guilty, and to put an immediate end to the arbitrary arrest, detention and harassment of human rights defenders, political opponents and journalists, to arbitrary travel bans and to other policies aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society organizations, including by criminalizing the exercise of the right to freedom of association;

8. *Urges* Belarus to take all necessary steps ahead of the parliamentary election of September 2016 to reform its electoral legislation, and to follow the recommendations made by the Special Rapporteur and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe in this regard, while welcoming the growing openness of Belarus to dialogue and cooperation with the Office for Democratic Institutions and Human Rights, takes positive note of the establishment of an inter-agency group on electoral reform by the Government of Belarus, urges Belarus to ensure that the parliamentary election is free, fair, inclusive and peaceful while providing

for the equal treatment of all candidates before, during and after the vote, and to issue an invitation to the Office for Democratic Institutions and Human Rights for it to conduct an election observation mission;

9. *Strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to engage actively in the implementation of 2030 Agenda for Sustainable Development;[2]

10. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its thirty-fifth session and to the General Assembly at its seventy-second session;

11. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country with a view to assisting the Government of Belarus in fulfilling its international human rights obligations, and also urges the Government to extend full cooperation to thematic special procedures;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.

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[2] General Assembly resolution 70/1

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Human Rights Council
Thirty-second session
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Human rights situations that require the Council's attention

Albania, Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark* Estonia,* Finland,* France, Germany, Greece,* Hungary,* Ireland,* Italy,* Latvia, Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Poland,* Portugal, Romania,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

32/... Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 29/17 of 2 July 2015, and deploring the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while noting the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Belarus;[1]

2. *Expresses concern* at the situation of human rights in Belarus, the ongoing violations and the use of torture and ill-treatment in custody, the lack of response by the Government of Belarus to cases of enforced disappearance of political opponents, the

* State not a member of the Human Rights Council.

[1] A/HRC/32/48 and A/70/313.

impunity of perpetrators of human rights violations, the violations of labour rights amounting to forced labour, the significant gaps in anti-discrimination legislation, the pressure on defence lawyers and the lack of participation of opposition political parties in Parliament,

3. *Calls upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights law and with its human rights obligations and commitments, and not used to impede or unduly restrict the exercise of any human right, including the right to freedom of opinion and expression, the right to peaceful assembly and the right to freedom of association, including to form and join a trade union, as well as the freedom of the media;

4. *Acknowledges* engagement of Belarus in the twenty-second session of the universal periodic review, in 2015, calls upon Belarus to continue to work on the implementation of accepted review recommendations with the full participation of all of civil society, and takes note of the preparatory work done to date on its national plan of action on human rights;

5. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, including the number of persons sentenced to death or executed and the crimes for which it is applied, taking into account that transparency is a requirement of fair and effective criminal justice, requests him to continue to monitor developments and to make recommendations, and in this regard encourages the parliamentary working group on the death penalty to expedite its work;

6. *Urges* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the full independence and impartiality of the judiciary, the presumption of innocence, the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal established by law and to freely chosen legal representation throughout all proceedings, as well as the availability of information on the implementation of all sentences, while encouraging the Government to continue to reform the judiciary;

7. *Welcomes* the release of political prisoners in August 2015, calls for the reinstatement of the civil and political rights of former political prisoners, in particular in view of the parliamentary election of September 2016, strongly urges the Government of Belarus to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials and to prosecute alleged perpetrators and punish those found guilty, and to put an immediate end to the arbitrary arrest, detention and harassment of human rights defenders, political opponents and journalists, to arbitrary travel bans and to other policies aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society organizations, including by criminalizing the exercise of the right to freedom of association;

8. *Urges* Belarus to take all necessary steps ahead of the parliamentary election of September 2016 to reform its electoral legislation, and to follow the recommendations made by the Special Rapporteur and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe in this regard, while welcoming the growing openness of Belarus to dialogue and cooperation with the Office for Democratic Institutions and Human Rights, takes positive note of the establishment of an inter-agency group on electoral reform by the Government of Belarus, urges Belarus to ensure that the parliamentary election is free, fair, inclusive and peaceful while providing

for the equal treatment of all candidates before, during and after the vote, and to issue an invitation to the Office for Democratic Institutions and Human Rights for it to conduct an election observation mission;

9. *Strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to engage actively in the implementation of 2030 Agenda for Sustainable Development;[3]

10. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its thirty-fifth session and to the General Assembly at its seventy-second session;

11. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country with a view to assisting the Government of Belarus in fulfilling its international human rights obligations, and also urges the Government to extend full cooperation to thematic special procedures;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.

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[3] General Assembly resolution 70/1.

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Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

China, Iran (Islamic Republic of):* † draft resolution

32/... Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

Recalling also all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 28/2 of 26 March 2015 and Assembly resolution 70/153 of 17 December 2015,

Recalling further the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and their role in the enhancement of international cooperation in the field of human rights,

* State not a member of the Human Rights Council.
† On behalf of the States Member of the United Nations that are member of the Movement of Non-Aligned Countries.

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Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is a matter not only of relations of good neighbourliness, coexistence or reciprocity, but also of a willingness to look beyond mutual interests in order to advance the general interest,

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue is significant to promote the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue could play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

Emphasizing that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

6. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

7. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

8. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

9. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and international law,

should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

10. *Emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, as well as to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

11. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

12. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

13. *Also emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

14. *Takes note* of the consolidated annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review submitted to the Human Rights Council at its twenty-fourth session;[1]

15. *Also takes note* of the compilation prepared by the Office of the United Nations High Commissioner for Human Rights of the views of States and relevant stakeholders on the contribution of the Voluntary Fund for Financial and Technical Assistance,[2] in particular with regard to its sustainability and accessibility, to the implementation of recommendations accepted by States as part of their universal periodic review that required financial support;

16. *Requests* the Office of the High Commissioner to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broaden the donor base and to replenish the resources available to both funds;

17. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from both funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

18. *Urges* States to continue to support both funds;

19. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

[1] A/HRC/24/56.
[2] A/HRC/19/50.

20. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

21. *Urges* States to take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

22. *Requests* all Member States and the United Nations system to foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

23. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

24. *Recalls* that, in its resolution 70/153, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

25. *Takes note* of the report of the Human Rights Council Advisory Committee on the ways and means to enhance international cooperation in the field of human rights;[3]

26. *Also takes note* of the report of the Office of the High Commissioner on the enhancement of international cooperation in the field of human rights, taking into account the discussion conducted by the high-level panel on human rights mainstreaming held during twenty-eighth session of the Council;[4]

27. *Decides* to continue its consideration of the matter in 2017, in accordance with its annual programme of work.

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[3] A/HRC/26/41.
[4] A/HRC/31/81.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Algeria, Australia,* Austria,* Azerbaijan,* Belgium, Bosnia and Herzegovina,* Botswana, Bulgaria,* Canada,* Colombia,* Croatia,* Denmark,* El Salvador, Fiji,* Finland,* France, Georgia,* Germany, Haiti,* Honduras,* Hungary,* Iceland,* Ireland,* Kenya, Luxembourg,* Mexico, Montenegro,* Netherlands, New Zealand,* Norway,* Panama, Paraguay, Peru,* Poland,* Portugal, Romania,* Serbia,* Slovakia,* Slovenia, South Africa†, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Turkey,* Uruguay,* Ukraine,* United States of America:* draft resolution

32/... The right to a nationality: women's equal nationality rights in law and in practice

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality, and article 2 of the same Declaration, according to which everyone is entitled to the rights and freedoms set forth in the Declaration without distinction of any kind, including on the basis of sex,

Recalling the adoption of Human Rights Council resolutions 13/2 of 24 March 2010 on arbitrary deprivation of nationality, 20/4 of 5 July 2012 on the right to nationality, and 28/13 of 26 March 2015 on birth registration,

Bearing in mind the challenges still faced by all countries throughout the world to achieve gender equality and the empowerment of all women and girls,

Noting the provisions of international and regional human rights instruments recognizing the equal right to nationality, including article 9 of the Convention on the

* State not a member of the Human Rights Council.
† On behalf of States Members of the United Nations that are members of the Group of African States.

Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, and article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination,

Taking into account the fact that article 9 of the Convention on the Elimination of All Forms of Discrimination against Women recognizes that women have equal rights with men to acquire, change or retain their nationality and with respect to the nationality of their children,

Noting that in its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women seeks to ensure equality between men and women in the ability to confer their nationality on their spouse,

Noting also the provisions of international and regional human rights and other instruments recognizing the right of every child to acquire a nationality and specifying the obligations of States parties to register every child immediately after birth, including internally displaced, refugee and migrant children, inter alia, article 24, paragraphs 2 and 3, of the International Covenant on Civil and Political Rights, article 7 of the Convention on the Rights of the Child and article 18, paragraph 1 (a) of the Convention on the Rights of Persons with Disabilities, and the role that birth registration plays in confirming nationality and preventing statelessness,

Recalling that following the United Nations Fourth World Conference on Women, delegates from 189 countries pledged, based on the 1995 Beijing Declaration and Platform for Action, to "revoke any remaining laws that discriminate on the basis of sex",

Noting the pledge made in the political declaration of the fifty-ninth session of the Commission on the Status of Women to "take further concrete action to ensure the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action and the outcome documents of the twenty-third special session of the General Assembly, including through strengthened implementation of laws, policies, strategies and programme activities for all women and girls," and the agreed conclusions of the 60th Commission on the Status of Women, which further urge States to "eliminate all forms of discrimination against women and girls through … the removal, where they exist, of discriminatory provisions in legal frameworks, including punitive provisions, and setting up legal, policy, administrative and other comprehensive measures, including temporary special measures as appropriate, to ensure women's and girls' equal and effective access to justice and accountability for violations of human rights of women and girls",

Welcoming the global 10-year campaign to end statelessness by 2024 of the Office of the United Nations High Commissioner for Refugees, which calls for the removal of gender-based discrimination from nationality laws worldwide as a crucial step to eradicating statelessness,

Welcoming also the Global Campaign for Equal Nationality Rights by an international coalition of organizations concerned by this issue,

Welcoming further the adoption of the 2030 Agenda for Sustainable Development,[1] recalling that it includes targets on eliminating discrimination against all women and girls, eliminating all discriminatory laws, policies and practices, and providing a legal identity for all, and recognizing that equal nationality rights for women can contribute to the achievement of the 2030 Agenda,

[1] General Assembly resolution 70/1

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on discrimination against women on nationality-related matters, including the impact on children,[2] as requested by the Human Rights Council in its resolution 20/4,

Welcoming also the recent actions taken by States to reform, or make a clear commitment to reform, their nationality laws to grant equal nationality rights to women,

Taking note of recent regional initiatives to reform nationality laws that discriminate against women and girls, such as the 2015 Abidjan Declaration of Ministers of Member States of the Economic Community of West African States on the eradication of statelessness, the 2014 Brazil Declaration and Plan of Action on strengthening the international protection of refugees, displaced and stateless persons in Latin America and the Caribbean, and other regional initiatives, including the resolution on legal identity for children, adopted in 2016 in Lusaka by the 134th Inter-Parliamentary Union Assembly, the first conclusions on statelessness adopted by the Council of the European Union in 2015, the African Union initiative to develop a draft protocol on the right to a nationality in Africa, the seven-point plan of action that resulted from the meeting of Parliamentarians held on 26 and 27 November 2015 in Cape Town, South Africa, which focused on the role of parliaments in preventing and ending statelessness, and the Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, which underscore the importance of regional and international cooperation,

Recognizing that discrimination against women and girls in nationality laws persists in almost all regions of the world, and remains a significant cause of statelessness among men, women and children,

Bearing in mind that discrimination against women and girls in nationality laws can have far-reaching consequences for entire families, including lack of documentation, which increases vulnerability to human rights abuses and violations, arbitrary arrest and detention, inability to work and marry legally, lack of freedom of movement, the worst forms of child labour, child, early and forced marriage, denial of property and land ownership, family separation, diminished access to education and health care, economic hardship, human trafficking and social and political marginalization,

Noting that among displaced, migrant and refugee populations, gender inequality in nationality laws may leave children born in woman-headed households, including those headed by indigenous women, at risk of statelessness and may pose a barrier to children's eventual voluntary return to the country of their parents' residence,

1. *Reaffirms* that the right to a nationality is a universal human right enshrined in the Universal Declaration of Human Rights, and that every man, woman and child has the right to a nationality, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

2. *Recognizes* that it is up to each State to determine by law who its nationals are, provided that such determination is consistent with its obligations under international law, including with respect to non-discrimination,

3. *Calls upon* all States to adopt and implement nationality legislation consistent with their obligations under international law, including with respect to the elimination of all forms of discrimination against women and girls in nationality-related matters, and with a view to preventing and reducing statelessness;

[2] A/HRC/23/23.

4. *Urges* all States to refrain from enacting or maintaining discriminatory nationality legislation, with a view to avoiding statelessness and loss of nationality, preventing vulnerability to human rights violations and abuses, decreasing the risk of exploitation and abuse, and promoting gender equality in the acquisition, change, retention or conferral of nationality;

5. *Urges* States to take immediate steps to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality on their children and spouses and regarding the acquisition, change or retention of their nationality;

6. *Urges* States that have reformed nationality laws to ensure the effective implementation of the laws, including through awareness-raising and publicity, and gender-sensitive training of public officials, including judges and local leaders, and targeted outreach to civil society to engage relevant communities;

7. *Urges* States to ensure that men and women have equal access to documents used to prove nationality, in particular passports, identity documents and birth, and where relevant, marriage certificates;

8. *Calls upon* States to identify and remove physical, administrative, procedural and any other barriers, especially those targeting women, that impede access to registration of vital life events including birth, marriage and death registration, and including late registration and associated fees, paying due attention to, among others, barriers relating to poverty, age, disability, gender, nationality, displacement, illiteracy and detention contexts, and to persons in vulnerable groups, and to remove barriers to birth registration based on discrimination against unwed mothers;

9. *Also calls upon* States to ensure that effective and appropriate remedies are available to all persons, in particular women and children, whose right to a nationality has been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation;

10. *Encourages* relevant special procedures of the Human Rights Council, including the Working Group on the issue of discrimination against women in law and in practice, as well as specialized agencies, funds and programmes, and United Nations entities, including the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women, and invites treaty bodies, in coordination with the Office of the United Nations High Commissioner for Refugees, to address and highlight issues relating to the right to a nationality and statelessness within their mandates;

11. *Also encourages* States to continue to raise these issues in the universal periodic review process;

12. *Further encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international human rights conventions if they have not already done so;

13. *Calls upon* States to implement their international legal obligations to combat human trafficking, including the identification of potential victims of trafficking and the provision of appropriate assistance to stateless persons who may be victims of trafficking, paying particular attention to the needs and vulnerabilities of trafficked women and children;

14. *Calls upon* all States to ensure that all persons, regardless of their nationality status, enjoy their human rights and fundamental freedoms;

15. *Encourages* States to facilitate, in accordance with their national laws, the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless;

16. *Urges* States to take concrete action to ensure the full and effective implementation of the Beijing Declaration and Platform for Action and the outcomes of its reviews, and to ensure non-discrimination under the law, including with respect to nationality;

17. *Recognizes* the importance of international cooperation, and encourages States to request technical assistance, if required and where appropriate, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders, in order to make reforms to eliminate from their nationality laws all forms of discrimination against women;

18. *Encourages* States to address women's equal nationality rights and the challenge of statelessness and vulnerability that emerges when they are not fully respected and implemented, when developing, implementing and monitoring national action plans or other relevant mechanisms for the realization of the 2030 Agenda for Sustainable Development, recognizing the need to ensure gender equality and empowerment of women and girls and to provide legal identity for all, and encourages development actors to support the capacity of Governments to implement these efforts;

19. *Also encourages* States to develop and implement national action plans to end statelessness, taking into account the guidance set forth in the global 10-year campaign to end statelessness by 2024 of the Office of the United Nations High Commissioner for Refugees, and further encourages the Office to provide technical assistance to support these efforts, if requested and as appropriate;

20. *Requests* the United Nations High Commissioner for Human Rights, in coordination with the United Nations High Commissioner for Refugees:

(*a*) To organize, prior to the thirty-sixth session of the Human Rights Council, a half-day expert workshop to showcase best practices to promote women's equal nationality rights in law and in practice, including the ability of women to confer their nationality on their spouse;

(*b*) To encourage States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders, to participate actively in the workshop;

(*c*) To prepare a summary report on the above-mentioned workshop, including any recommendations stemming therefrom, and to submit it to the Human Rights Council at its thirty-sixth session.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Angola,* Austria,* Australia,* Azerbaijan,* Belgium, Bulgaria,* Bosnia and Herzegovina,* Croatia,* Cyprus,* Denmark,* Estonia,* Finland,* France, Germany, Georgia, Greece,* Honduras,* Iceland,* Ireland,* Italy,* Japan,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Montenegro,* Netherlands, Norway,* Panama, Peru,* Philippines, Poland,* Portugal, Romania,* Sierra Leone,* Slovenia, Slovakia,* Spain,* Sweden,* Switzerland, Tunisia,* Uganda,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America,* Zambia:* draft resolution

32/... Mandate of the Special Rapporteur on the human rights of internally displaced persons

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 70/165 of 17 December 2015 and Council resolution 23/8 of 13 June 2013,

Recalling also General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the Guiding Principles on Internal Displacement annexed thereto,

Recalling further Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Deeply disturbed by the alarmingly high number of internally displaced persons throughout the world, for reasons including violations and abuses of human rights, violations of international humanitarian law, armed conflict, persecution, violence and terrorism, as well as natural and human-made disasters, who receive inadequate protection

* State not a member of the Human Rights Council

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and assistance, and conscious of the serious challenges that this is creating for the people affected, including the host communities, as well as the international community,

Conscious of the human rights, humanitarian, development and possible peacebuilding dimensions of internal displacement, including in long-term displacement situations, the often heightened vulnerability of women and children, as well as of older persons and persons with disabilities, and the responsibilities of States and the international community to further strengthen their protection and assistance, including by respecting and protecting the human rights and fundamental freedoms of all internally displaced persons, with a view to finding durable solutions,

Noting the need for greater mainstreaming of the human rights of internally displaced persons across the United Nations system in order to address more effectively the challenges they face, including by giving due consideration to the re-establishment of a Representative of the Secretary-General, and welcoming the recommendations of the Special Rapporteur on the human rights of internally displaced persons in this regard,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, without discrimination, including through the facilitation of durable solutions, and to address the root causes of the displacement problem in appropriate cooperation with the international community,

1. *Commends* the Special Rapporteur on the human rights of internally displaced persons for the activities undertaken to date, the catalytic role that he has played in raising the level of awareness of the plight of internally displaced persons, and his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

2. *Welcomes* the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its thirty-second session[1] and the conclusions and recommendations contained therein;

3. *Notes with appreciation* the holding of the World Humanitarian Summit in Istanbul, Turkey, on 23 and 24 May 2016, and recalls the resolve to pursue a new approach to address the needs of internally displaced persons that would meet immediate humanitarian needs and longer-term development outcomes to enhance the self-reliance of internally displaced persons and host communities;

4. *Recalls* that the Secretary-General has urged all stakeholders to commit to a comprehensive global plan to reduce internal displacement in a dignified and safe manner by at least 50 per cent by 2030;

5. *Expresses* its appreciation to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons, including through the facilitation of durable solutions and the inclusion of internally displaced persons within their national development plans, and have supported the work of the Special Rapporteur;

6. *Expresses concern* at the persistent problems of the large number of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance and long-term development efforts and assistance, vulnerability to violations of international law, in particular human rights law and international humanitarian law, and difficulties resulting

[1] A/HRC/32/35

from their specific situation, such as lack of protection, food, shelter, health services, education, disruption to family links, loss of essential documents and issues pertinent to their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property,

7. *Also expresses concern* at the problem of protracted internal displacement, and recognizes the need for the integration of the rights and needs of internally displaced persons into both rural and urban development strategies, and for their participation in the design and implementation of these strategies, as well as the need to secure durable solutions, including voluntary return, local integration or settlement elsewhere in the country, in a dignified and safe manner,

8. *Expresses particular concern* about the full range of threats, violations and abuses of human rights and violations of international humanitarian law experienced by many internally displaced persons, including women and children, who are particularly vulnerable or specifically targeted, especially for sexual and gender-based violence and sexual exploitation and abuse, trafficking in persons, forced recruitment and abduction, encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance and protection needs, and calls upon States, in cooperation with international agencies and other stakeholders, to provide protection and assistance to internally displaced persons who are victims of the above-mentioned violations and abuses, as well as other groups of internally displaced persons with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant resolutions of the General Assembly and the Security Council;

9. *Calls upon* all parties to armed conflict to comply with their obligations under international humanitarian law, and international human rights law, as applicable, with a view to preventing forced displacement and promoting the protection of civilians, and calls upon Governments to take measures to respect and protect the human rights of all internally displaced persons, without distinction of any kind, in accordance with their applicable obligations under international law;

10. *Strongly condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately victimized, and urges authorities and the international community to work together for effective prevention and response, security, protection of human rights, access to justice and victim assistance, as well as in addressing the causes of violence against women and girls and in fighting impunity across the board;

11. *Urges* States and other relevant actors to take into account the specific needs of persons with disabilities and of older persons when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities and older persons have timely, appropriate and equal access to assistance, protection and rehabilitation services, including health care, sexual and reproductive health-care services, psychosocial support and educational programmes;

12. *Calls upon* States, in cooperation with international agencies and other stakeholders, to ensure and support the full and meaningful participation of internally displaced persons, including women, at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement, regarding the promotion and protection of human rights, the prevention of human rights violations and abuses, the inclusion in local and national development plans and activities, and the design and implementation of durable solutions, including through fostering voluntary return, local integration or settlement elsewhere in the country in a

dignified and safe manner, as well as peace processes, peacebuilding, transitional justice, post-conflict reconstruction and development,

13. *Expresses concern* at the internal displacement caused by disasters, exacerbated by the adverse effects of climate change, poverty and other factors, and recognizes the need for a human rights-based approach to disaster risk reduction, early warning, disaster contingency planning, disaster management and mitigation, as well as recovery efforts, to reduce and address disaster displacement, to better protect and attend the needs of affected persons, and to find durable solutions, and recalls the relevant provisions of the Sendai Framework for Disaster Risk Reduction 2015-2030[2] and the Paris Agreement[3] in this regard;

14. *Reaffirms* the recognition of the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies, as well as development donors and other providers of development assistance, to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons, including their need for long-term development assistance for the implementation of durable solutions, and in this regard calls for international support, upon request, for the capacity-building efforts of States;

15. *Decides* to extend the mandate of the Special Rapporteur on the human rights of internally displaced persons for a period of three years;

(*a*) To address the complex problem of internal displacement, in particular by mainstreaming the human rights of the internally displaced into all relevant parts of the United Nations system;

(*b*) To work towards strengthening the international response to the complex problem of situations of internal displacement and to engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing inclusive dialogue with Governments, inter-governmental, regional and non-governmental organizations and other relevant actors;

16. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in carrying out the mandate:

(*a*) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, the analysis of the reasons for internal displacement, the needs and human rights of those displaced, measures of prevention, including measures relating to the protection of and assistance to persons at risk of displacement, and ways to strengthen protection, as well as assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including, in particular, statistics and data disaggregated by age, sex, diversity and location, and to include reliable information thereon in his or her reports submitted to the Human Rights Council;

(*b*) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, his or her efforts to promote comprehensive and inclusive strategies and support that focus on the prevention of displacement, better protection and assistance, durable solutions and the integration of internally displaced persons into national development plans, taking into account the primary responsibility of States within their jurisdiction in this regard;

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[2] General Assembly resolution 69/283, annex II.

[3] FCCC/CP/2015/10/Add.1.

(c) To continue to use the Guiding Principles on Internal Displacement in his or her dialogue with Governments, States in post-conflict or other situations, intergovernmental, regional and non-governmental organizations and other relevant actors, and to continue his or her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

(d) To integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and children, as well as of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, and their particular assistance, protection and development needs;

(e) To continue his or her efforts to promote, where appropriate, the consideration of the human rights and the specific protection and assistance needs of internally displaced persons in peace processes and peace agreements, and in reintegration and rehabilitation processes;

(f) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies, and to incorporate in his or her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries;

(g) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, his or her efforts to promote the protection of human rights of internally displaced persons in the context of disasters;

(h) To strengthen further the cooperation established between the Special Rapporteur and the United Nations, including in the framework of the Peacebuilding Commission, as well as other international and regional organizations, in particular his or her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

(i) To continue to use in his or her activities the Framework on Durable Solutions for Internally Displaced Persons[4] of the Inter-Agency Standing Committee;

(j) To continue cooperation with development donors and other providers of development assistance, including United Nations agencies and other relevant actors, to further strengthen international assistance efforts in support of durable solutions;

17. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their efforts and policies relating to assistance, protection rehabilitation, durable solutions and development assistance for internally displaced persons and their host communities;

18. *Urges* all countries to integrate the 2030 Agenda for Sustainable Development[5] into their respective national policies and development frameworks, as appropriate, and recalls that the 2030 Agenda seeks to address the needs of the most vulnerable, including internally displaced persons;

[4] A/HRC/13/21/Add.4

[5] General Assembly resolution 70/1

19. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues concerning internal displacement, and through the allocation of budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

20. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Special Rapporteur;

21. *Strongly welcomes* the adoption, entry into force and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, and encourages other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons;

22. *Strongly encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate activities of the United Nations and other relevant actors addressing the protection, assistance and development needs of internally displaced persons and to respond favourably and expeditiously to requests by the Special Rapporteur for visits and information, stresses the need of unimpeded access by the Special Rapporteur in accordance with the mandate, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on recommendations of the mandate holder and to make available information on measures taken in this regard;

23. *Encourages* Governments, members of the Inter-Agency Standing Committee, United Nations humanitarian coordinators and country teams to ensure the provision of reliable data on internal displacement situations in order to inform an effective and rights-based response, to share data with the Internal Displacement Monitoring Centre for incorporation into global estimates and analysis, to request the support and guidance of the Joint Internally Displaced Persons Profiling Service as needed to help to improve the availability of actionable and agreed-upon data, and to provide financial resources, as appropriate, in these respects;

24. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts, and non-governmental organizations to develop and maintain regular dialogue and cooperation with the Special Rapporteur in the fulfilment of the mandate;

25. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

26. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mechanism works in close cooperation with the Emergency Relief Coordinator, with the continued support of the Office for the Coordination of Humanitarian Affairs, the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies;

27. *Requests* the Special Rapporteur to continue to submit annual reports on the implementation of the mandate to the Human Rights Council and the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

28. *Decides* to continue its consideration of the question of the human rights of internally displaced persons in conformity with its programme of work.

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General Assembly

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Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Ecuador, El Salvador, Haiti,* Honduras,* Palau,* Peru,* Sudan:* draft resolution

32/... Impact of arms transfers on human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming that everyone has the right to life, liberty and security of person and is entitled to a social and international order, in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling the right to self-defence of States and their duty to promote and protect the human rights of their citizens,

Recalling also the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, the Additional Protocols thereto of 8 June 1977, other international human rights law and international humanitarian law instruments, and the Vienna Declaration and Programme of Action,

Recalling further General Assembly resolution 60/251 of 15 March 2006, and Human Rights Council resolutions 5/1 and 5/2 and decision 5/101 of 18 June 2007, and resolution 16/21 of 25 March 2011,

Recalling its resolution 24/35 of 27 September 2013,

* State not a member of the Human Rights Council.

* State not a member of the Human Rights Council.

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Recalling in particular that the Human Rights Council has the mandate to, inter alia, serve as a forum for dialogue on thematic issues on all human rights,

Acknowledging that millions of people around the world are affected by serious human rights violations and abuses committed or facilitated by the irresponsible use of arms,

Acknowledging also that human rights law and international humanitarian law are complementary and mutually reinforcing,

Recalling the principles and provisions related to international human rights law and international humanitarian law, and to the promotion of responsible action by States, as contained in the Arms Trade Treaty adopted by the General Assembly on 2 April 2013,[1] which entered into force on 24 December 2014, as well as in other relevant instruments,

Reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of, and the full respect for, international human rights law and international humanitarian law in armed conflicts and in peacetime,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[2] including target 16.4 of the Sustainable Development Goals, to significantly reduce illegal arms flows,

1. *Expresses its deep concern* at the fact that arms transfers, particularly those that are illicit or unregulated, may seriously undermine the human rights of individuals, especially women, children, the elderly, persons with disabilities and other vulnerable groups;

2. *Notes with alarm* that such arms transfers can have a seriously negative impact on the human rights of women and girls, who may be disproportionately affected by the widespread availability of arms, as it may increase the risk of sexual and gender-based violence, and of violence against children;

3. *Urges* all States to refrain from transferring arms when they assess, in accordance with applicable national procedures and international obligations and standards, that such arms are sufficiently likely to be used to commit or facilitate serious violations or abuses of international human rights law or international humanitarian law;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, in consultation with States, United Nations agencies and other relevant stakeholders, on the impact of arms transfers on the enjoyment of human rights and to present it to the Human Rights Council at its thirty-fifth session, in order to provide States and other relevant stakeholders with elements to assess the relationship between arms transfers and human rights law that may guide them to strengthen efforts to effectively protect human rights;

5. *Invites* all relevant special procedures, commissions of inquiry and human rights treaty bodies to bear the present resolution in mind, within the framework of their respective mandates;

6. *Decides* to remain seized of this issue.

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[1] General Assembly resolution 67/234 B.

[2] General Assembly resolution 70/1.

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General Assembly

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Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina,* China, Cuba, Cyprus,* Democratic People's Republic of Korea,* Ecuador, Eritrea,* Haiti,* Luxembourg,* Mexico, Nicaragua,* Philippines, Portugal, spain,* Switzerland, Turkey,* Venezuela (Bolivarian Republic of), Viet Nam: draft resolution

32/... Mandate of the Special Rapporteur on the right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also Human Rights Council resolutions 5/2, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right to food for a period of three years, to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

2. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

3. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her task by supplying all necessary information requested by the mandate holder and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable her to fulfil the mandate more effectively;

* State not a member of the Human Rights Council

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4. *Requests* the Special Rapporteur to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance to their respective programmes of work.

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Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea,* Ecuador, Eritrea,* Haiti,* Nicaragua,* Venezuela (Bolivarian Republic of), Viet Nam: draft resolution

32/... Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008, 12/9 of 1 October 2009, 15/13 of 30 September 2010, 17/6 of 16 June 2011, 18/5 of 29 September 2011, 21/10 of 27 September 2012, 23/12 of 13 June 2013, 26/6 of 26 June 2014 and 29/3 of 2 July 2015,

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of

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their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context, reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,[1]

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Reaffirming also the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law, that responds to the need for transformative

[1] General Assembly resolution 70/1.

change encompassing the objectives of equity, equality in outcome, sustainability, security, social justice and empowerment and is applicable to all countries, both developing and developed;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Welcomes* the report of the Independent Expert on human rights and international solidarity[2] and the work conducted by her, including the five regional consultations on the draft declaration on the right of peoples and individuals to international solidarity held in 2015 and 2016 as mandated by the Human Rights Council in its resolution 26/6;

9. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in her mandate, and to supply all necessary information requested by her, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries, to enable her to fulfil her mandate effectively;

10. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

11. *Also requests* the Independent Expert to convene a meeting with experts from the five geographical regions to assist in finalizing the draft declaration on the right of peoples and individuals to international solidarity, and requests the Office of the United Nations High Commissioner for Human Rights to assist the Independent Expert in conducting a legal review of the draft declaration prior to its submission to the Human Rights Council in 2017;

12. *Further requests* the Independent Expert to undertake thematic research on the importance of international solidarity in realizing the human rights of peoples and individuals, including on impediments to mainstreaming it, to assist States, intergovernmental organizations and civil society to actively engage in promoting the important role of international solidarity in the achievement of the 2030 Sustainable Development Agenda, especially in economic, social and climate issues, while paying particular attention to Goal 17 and the related indicator;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

14. *Reiterates its request* to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to continue to seek views and contributions

[2] A/HRC/32/43.

from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of her mandate;

15. *Requests* the Independent Expert to report regularly to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

16. *Decides* to continue its consideration of this matter under the same agenda item.